

To: 'Mumford, David'[MumfordD@ci.billings.mt.us]
From: Laidlaw, Tina
Sent: Mon 9/30/2013 8:51:07 PM
Subject: FW: Downstream Use protection

Dave,

Here is the email I sent to Craig and Amanda. I hope Amanda emails the specific language before we meet so I can take a closer look at it.

I read your proposed definition and recommend that we don't include a specific definition. From last week's conversation, I think we need to first clarify the League's concern. My understanding from talking to Craig (and from what Amanda read at the meeting) is that the issue pertains more to how loads are allocated, not criteria development.

Feel free to give me a shout if you'd like to discuss this further. That said, who knows if I'll be in the office tomorrow. :)

Tina

-----Original Message-----

From: Laidlaw, Tina
Sent: Monday, September 30, 2013 12:58 PM
To: 'Craig Woolard'
Cc: McInnis, Amanda; Suplee, Mike
Subject: RE: Downstream Use protection

Craig and Amanda,

Let's plan to discuss the downstream use protection issue at the League of cities and towns meeting on October 10th. We could chat about it after our session if that works for you guys.

In the meantime, Amanda is going to send us the language from Wisconsin that she thought addressed the underlying issue. I've inserted the references to Downstream use protection below from MDEQ's draft rule language. Some of the language was added based on comments from EPA; other references to downstream use protection were added by MDEQ.

Let's see what we can figure out on the 10th. Mike may not be able to join us so if we need to meet again after the 10th, we can set up a time then for a follow-up call.

Tina

DEQ Circular-12:

Page 5:

(2) Within and among the geographic regions or watersheds listed, base numeric nutrient standards of the downstream reaches or other downstream waterbodies must continue to be maintained.

EPA suggested the following edits: "Within and among the geographic regions or watersheds listed, base numeric nutrient standards of the downstream reaches and lakes will continue to be maintained by limiting nutrient loadings as necessary from the contributing upstream waterbodies. Where possible, modeling and/or other methods such as regression between upstream and downstream nutrient concentrations will be utilized to determine the limitations required to provide for the attainment and maintenance of water quality standards of downstream waters."

Page 15:

2.2 Option for Remaining at a Previous General Variance Long-term Average Based on Water Quality Modeling

The demonstration must consider effects on the downstream waterbody including effects from the non-target nutrient; if the downstream waterbody will be impacted, some level of reduction on the target and/or non-target nutrient will likely be required or the individual variance will not be granted.

DEQ standards 7.7:

Page 3: The potential impacts to the downstream waterbody, including impacts from the non-target nutrient, must be given consideration in all cases where New Rule I (3) is invoked. As described in section 2.2 of DEQ-12 Part B, if a downstream waterbody will be impacted, some level of reduction on the target and/or non-target nutrient will likely be required, or the individual variance may not be granted.

-----Original Message-----

From: Craig Woolard [mailto:CWoolard@BOZEMAN.NET]

Sent: Thursday, September 26, 2013 7:53 AM

To: Laidlaw, Tina

Cc: McInnis, Amanda; Suplee, Mike

Subject: Re: Downstream Use protection

I realistically can't meet until next Wednesday. Will that be soon enough?

Craig Woolard
(406) 581-0091
Sent from my iPhone

On Sep 25, 2013, at 12:04 PM, "Laidlaw, Tina"
<Laidlaw.Tina@epa.gov<mailto:Laidlaw.Tina@epa.gov>> wrote:

Amanda and Craig,

I was hoping to set up a time for you guys, me and Mike to discuss the downstream use protection issue. Are you guys available on Friday for a call? I am open all day until 3:15.

Amanda, would you mind emailing us the Wisconsin language on point sources vs. nonpoint sources? I wanted Mike to see that language as well to have a better sense of your concerns.

Look forward to hearing from you.

Tina

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